

## ARTICLE 5 – MINOR NEW SOURCE REVIEW AND MINOR SOURCE PERMITS

**18 AAC 50.500 GENERAL PROVISIONS.** (a) Sections 18 AAC 50.502 – 509 establish classifications for minor permits for the purposes of AS 46.14.020 and AS 46.14.130(c). A stationary source may meet the criteria of more than one classification of these sections. Consistent with 18 AAC 50.502 – 509, the owner or operator of a stationary source that meets more than one of these classifications must obtain a permit that satisfies the requirements of each classification that applies, or may obtain more than one permit to satisfy those requirements.

**18 AAC 50.502. CLEAN UNIT PERMIT: CLASSIFICATION AND GENERAL PROVISIONS.** (a) An emission unit at a major stationary source may be designated as a Clean Unit either in a permit issued under 18 AAC 50.3?? – 3?? for a Clean Unit designated consistent with 40 C.F.R. 52.21(x) or (y), or, in a permit issued under 18 AAC 50.550 – 554 for a Clean Unit designated consistent with 40 C.F.R. 52.21(y).

(b) The provisions of 40 C.F.R. 52.21 apply to a Clean Unit designated by this chapter.

**18 AAC 50.503. POLLUTION CONTROL PROJECT: CLASSIFICATION AND GENERAL PROVISIONS.** (a) A project at a major stationary source may be designated as a pollution control project (PCP) either in a permit issued under 18 AAC 50.3?? – 3??, in a permit issued under 18 AAC 50.550 – 554, or as provided in (c) of this section.

(b) The provisions of 40 C.F.R. 52.21 apply to a pollution control project designated by this chapter.

(c) For projects listed in subsection 40 C.F.R. 51.166??, the owner or operator may begin actual construction of the project immediately after notice is sent to the reviewing authority, unless otherwise required to obtain a permit under 18 AAC 50.300 – 399 or 18 AAC 50.5?? – 5??. The notice must contain the information listed in <cite either the pcp application requirements in 50.550 or the federal regs for an application for a PCP permit. To maintain eligibility for the PCP exclusion, the owner or operator shall respond to any requests by the department for additional information that the department determines is necessary to evaluate the suitability of the project for the PCP exclusion.

**18 AAC 50.504. PLANTWIDE APPLICABILITY LIMIT (PAL): CLASSIFICATION AND GENERAL PROVISIONS.** (a) A plantwide applicability limit (PAL) may be established for a major stationary source either through a major stationary source permit issued under 18 AAC 50.3?? – 3??, or through a permit issued under 18 AAC 50.521 – 529 and 550 – 554.

(b) The provisions of 40 C.F.R. 52.21(aa) apply to a PAL established under this chapter.

**18 AAC 50.506. OFFSET EMISSIONS: CLASSIFICATION AND GENERAL PROVISIONS.**

**18 AAC 50.507. OWNER REQUESTED LIMITS: CLASSIFICATION AND GENERAL PROVISIONS.**

**18 AAC 50.509. AMBIENT AIR QUALITY MINOR PERMITS: CLASSIFICATIONS AND GENERAL PROVISIONS.** (a) Stationary sources and modifications listed in (b) and (c) of this section are classified as needing minor permits for the purposes of AS 46.14.020 and AS 46.14.130(c)(1). The owner or operator must

- (1) obtain a source specific permit issued under 18 AAC 50.550 – 559;
- (2) obtain approval to operate under a general permit issued under 18 AAC 50.560 – 569; or
- (3) qualify for and operate under a permit by rule under 18 AAC 50.570 – 599.

(b) The following new sources are classified as ambient air quality stationary sources:

(1) *As a starting point, use the classifications of ambient air facilities plus crushers, Port of Anchorage, and 100 ton near a nonattainment area.*

(2) a stationary source that emits or has the potential to emit

(A) 40 tons per year of nitrogen oxides

(B) 40 tons per year of ...

(c) The a modification to a stationary source is classified as an ambient air quality modification if

(1) the stationary source is classified as an ambient air quality stationary source under (b) of this section, and

(2) the modification will cause a net increase in allowable emissions of  
or for a grandfathered source for which never be ambient air quality assessment of the effects of plantwide emissions,  
any increase in allowable emissions unless that increase is offset by a decrease in actual emissions.

(d) For the purposes of this section, a net increase in allowable emissions is the cumulative change in actual emissions caused by modifications to the stationary source that has occurred during the previous 10 years, or since the previous construction permit, minor permit, or permit issued under the former 18 AAC 50.400 issued for that pollutant, whichever is most recent. For the purposes of this section calculation of a net increase in *allowable* emissions

(1) includes any emission increases and decreases from a Clean Unit, Pollution Control Project, and at a stationary source subject to a Plantwide Applicability Limit unless the department determines that the emission increases or decreases were accounted for in an ambient air quality analysis approved by the department in support of a previous construction permit, minor permit, permit issued under the former 18 AAC 50.400, or for an investigation under 18 AAC 50.201; and

(2) includes an emission increase from a like-kind equipment replacement if the new equipment is capable of emitting at a higher rate.

do we want just major sources to need an ambient analysis permit for cumulative modifications > thresholds, or do we want minor sources > thresholds as well.

A modification that

**18 AAC 50.550. MINOR PERMIT: APPLICATION.** (a) **General Information.** Each minor permit application must contain the following information:

general information  
identify the emission unit

- (1)
- (2) ...

(c) **Clean Units.** An application for a permit to establish a Clean Unit designation consistent with 40 C.F.R. 52.21(y) must include a demonstration that the unit meets the criteria for a Clean Unit in 40 C.F.R. 52.21(y)(3) and (4).

(b) **Pollution Control Project (PCP).** An application for a permit to give approval to use the PCP exclusion must include the information listed in 40 C.F.R. 52.21(z)(3)(i) – (v).

(c) **Plantwide Applicability Limit (PAL).** An application for a permit to establish a PAL consistent with 40 C.F.R. 52.21(aa) must include the information listed in 40 C.F.R. 52.21(aa)(3).

(d) **Offset Emissions.** ...

(e) **Ambient Air Quality Minor Permits.** ...

**18 AAC 50.552. MINOR PERMIT: REVIEW AND ISSUANCE.** (a) **Acting on Minor Permit Applications.** The department will act on each minor permit application in accordance with AS 46.14.160 and this section. After consulting with the applicant, the department will specify dates by which the applicant shall submit any additional information requested under AS 46.14.160(c).

(b) **Preliminary Permit Decision.** No later than 60 days after an application is determined or considered to be complete under AS 46.14.160 the department will make a preliminary decision to approve or deny the application. The department will provide notice and opportunity for public comment on the department's decision as follows:

(1) the public will have a minimum of 30 days to submit comment;

(2) the department will make available for public inspection in at least one location in the area affected

(A) the information submitted by the owner or operator;

(B) any department analysis on the effect on air quality;

(C) the reasons for the department's proposed approval or disapproval; and

(D) if the department proposes to approve the application, a copy of the proposed permit;

(3) the department will send a copy of the notice to the federal administrator

(4) the department will make a preliminary decision to approve the application only if the information submitted by the applicant includes all information required by 18 AAC...., and the department finds that requirements of () to () of this section will be met; the department will include in a preliminary permit, any conditions necessary to assure compliance with this chapter.

(b) **Clean Unit.** The department will issue a permit designating an emission unit as a Clean Unit only if the department determines that the emission unit satisfies the criteria in 40 C.F.R. 52.21(y) for a Clean Unit.

(c) **Pollution Control Project.** The department will issue a permit granting approval to use the PCP exclusion only if the department determines that the project satisfies the criteria in 40 C.F.R. 52.21(z) for a PCP.

(d) **Plantwide Applicability Limit.** The department will issue a permit establishing or revising a PAL only if the department determines that the emission unit satisfies the criteria in 40 C.F.R. 52.21(aa) for a PAL.

(e) **Offset Permit.**

(f) **Ambient Air Quality Minor Permits. ...**

*Make this a new section because it doesn't follow the full process. Put an exception in 552 to allow for this.*

**Plantwide Applicability Limit – Reopenings.** For typographical/calculation error corrections listed in 40 C.F.R. 52.21(aa)(8)(ii)(a)(1) that do not increase the PAL level, the department will notify the owner or operator in writing. The changes become effective immediately. For all other reopenings the department will use the procedures of 18 AAC 50.550.

#### **18 AAC 50.554. MINOR PERMITS: CONTENT. (a)**

(b) **Clean Units.** A permit that establishes a Clean Unit designation consistent with 40 C.F.R. 52.21(y) must contain the terms and conditions listed in 40 C.F.R. 52.21(y)(8).

(c) **Pollution Control Project.**

(d) **Plantwide Applicability Limit.** A permit that establishes a PAL must contain the provisions listed in 40 C.F.R. 52.21(aa)(7).

(e) **Offset Emissions. ....**

(f) **Ambient Air Quality Minor Permits. ...**

#### **18 AAC 50.556. MINOR PERMITS: RENEWAL AND REVISION. (a) PAL Permit Renewal.**

**(b) Increasing A PAL During The PAL Effective Period.**

**18 AAC 50.560 – 569. GENERAL PERMITS**

**18 AAC 50.570 – 599. PERMITS BY RULE**

*move 50.528 to 556(a) and simplify as much as possible, pointing to 40 C.F.R. 51.166. Does this work equally for pal permits under 51.165? or do we need a separate subsection?*

**18 AAC 50.528. PAL PERMIT: RENEWAL.** (a) *The department shall follow the procedures in 18 AAC 50.550 – 554, or <major source permitting option> in approving any request to renew a PAL for a major stationary source, and shall provide both the proposed PAL level and a written rationale for the proposed PAL level to the public for review and comment. During such public review, any person may propose a PAL level for the source for consideration by the reviewing authority.*

(b) **Application deadline.** *A major stationary source owner or operator shall submit a timely application to the department to request renewal of a PAL. A timely application is one that is submitted at least 6 months prior to, but not earlier than 18 months from, the date of permit expiration. This deadline for application submittal is to ensure that the permit will not expire before the permit is renewed. If the owner or operator of a major stationary source submits a complete application to renew the PAL within this time period, then the PAL shall continue to be effective until the revised permit with the renewed PAL is issued.*

(c) **Application requirements.** *The application to renew a PAL permit shall contain the following information:*

- (1) the information required in 18 AAC 50.511;*
  - (2) a proposed PAL level;*
  - (3) the sum of the potential to emit of all emissions units under the PAL (with supporting documentation);*
  - (4) any other information the owner or operator wishes the department to consider in determining the appropriate level for renewing the PAL.*
- (d) **PAL adjustment.** *In determining whether and how to adjust the PAL,*
- (1) the department shall consider the following:*

*(A) if the emissions level calculated in accordance with 18 AAC 50.510(i) is equal to or greater than 80 percent of the PAL level, the department may renew the PAL at the same level without considering the factors set forth in paragraph (d)(2) of this section; or*

*(B) the department may set the PAL at a level that it determines to be more representative of the source's baseline actual emissions, or that it determines to be appropriate considering air quality needs, advances in control technology, anticipated economic growth in the area, desire to reward or encourage the source's voluntary emissions reductions, or other factors as specifically identified by the department in its written rationale; and*

*(2) in no case may any such adjustment fail to comply with the following:*

*(A) if the potential to emit of the major stationary source is less than the PAL, the department shall adjust the PAL to a level no greater than the potential to emit of the source; and*

*(B) the department shall not approve a renewed PAL level higher than the current PAL, unless the major stationary source has complied with the provisions 18 AAC 50.519 (increasing a PAL).*

*(e) If the compliance date for a State or Federal requirement that applies to the PAL source occurs during the PAL effective period, and if the department has not already adjusted for such requirement, the PAL shall be adjusted at the time of PAL permit renewal or title V permit renewal, whichever occurs first.*

***move 50.529 to 556(b) and simplify as much as possible, pointing to 40 C.F.R. 51.166.***

***18 AAC 50.529. INCREASING A PAL DURING THE PAL EFFECTIVE PERIOD.*** *(a) The department may increase a PAL emission limitation only if the major stationary source complies with the following:*

*(1) the owner or operator of the major stationary source shall submit a complete application to request an increase in the PAL limit for a PAL major modification; such application shall identify the emissions unit(s) contributing to the increase in emissions so as to cause the major stationary source's emissions to equal or exceed its PAL;*

*(2) as part of this application, the major stationary source owner or operator shall demonstrate that the sum of the baseline actual emissions of the small emissions units, plus the sum of the baseline actual emissions of the significant and major emissions units assuming application of BACT equivalent controls, plus the sum of the allowable emissions of the new or modified emissions unit(s), exceeds the PAL; the level of control that would result from BACT equivalent controls on each significant or major*

*emissions unit shall be determined by conducting a new BACT analysis at the time the application is submitted, unless the emissions unit is currently required to comply with a BACT or LAER requirement that was established within the preceding 10 years; in such a case, the assumed control level for that emissions unit shall be equal to the level of BACT or LAER with which that emissions unit must currently comply;*

*(3) the owner or operator obtains a major NSR permit for all emissions unit(s) identified in (a)(1) of this section, regardless of the magnitude of the emissions increase resulting from them (that is, no significant levels apply); these emissions unit(s) shall comply with any emissions requirements resulting from the major NSR process (for example, BACT), even though they have also become subject to the PAL or continue to be subject to the PAL;*

*(4) the PAL permit shall require that the increased PAL level shall be effective on the day any emissions unit that is part of the PAL major modification becomes operational and begins to emit the PAL pollutant;*

*(c) The department shall calculate the new PAL as the sum of the allowable emissions for each modified or new emissions unit, plus the sum of the baseline actual emissions of the significant and major emissions units (assuming application of BACT equivalent controls as determined in accordance with paragraph (w)(11)(i)(b) of this section), plus the sum of the baseline actual emissions of the small emissions units.*

*(d) The PAL permit shall be revised to reflect the increased PAL level using the procedures of 18 AAC 50.550 or <major source permitting in 300s>.*